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August 26, 2011

Clerk of the Court
Washington Supreme Court
via email

RE: In re PRP of Coats, No. 83544-6

Clerk of the Court:

RECEIVED *VSC*
SUPREME COURT
STATE OF WASHINGTON
Sep 12, 2011, 10:53 am
BY RONALD R. CARPENTER
CLERK

E *CEJ*
RECEIVED BY E-MAIL

Pursuant to RAP 10.8, Petitioner submits the following additional authority:

In re Richardson, 100 Wn.2d 669, 679, 675 P.2d 209 (1983): "Ordinarily, as noted above, one raising error in a personal restraint petition must also prove by a preponderance of the evidence that the error was not harmless, *i.e.*, that it was prejudicial. *In re Hagler*, 97 Wn.2d 818, 826, 650 P.2d 1103 (1982). Where, as in the present case, however, the error which is alleged gives rise to a conclusive presumption of prejudice, proof of the error automatically provides proof of the prejudice. *Cf. In re Hews*, 99 Wn.2d 80, 88, 660 P.2d 263 (1983) (proof of constitutional invalidity of guilty plea constitutes proof of actual prejudice)."

Sincerely,
/s/ Jeffrey Ellis
Jeffrey Ellis
Attorney at Law

cc: Kathleen Proctor, Pierce County Prosecutor's Office

ORIGINAL

OFFICE RECEPTIONIST, CLERK

To: Jeff Ellis; Kit Proctor
Subject: RE: Supreme Court No. 83544-6 - Personal Restraint Petition of Jeffrey Coats

Received 9/12/11

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Jeff Ellis [<mailto:jeffreyerwinellis@gmail.com>]

Sent: Monday, September 12, 2011 10:38 AM

To: Kit Proctor

Cc: OFFICE RECEPTIONIST, CLERK

Subject: Re: Supreme Court No. 83544-6 - Personal Restraint Petition of Jeffrey Coats

Attached please find a statement of supplemental authority to be filed in this case. This statement is also being served on the prosecutor by sending this email and its attachment to Ms. Proctor.

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Jeff Ellis
Attorney at Law
Oregon Capital Resource Counsel
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206/218-7076 (c)